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Guy M. Hicks
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T.R.A. DOCKET ROOM
June 20, 2003

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VIA HAND DELIVERY

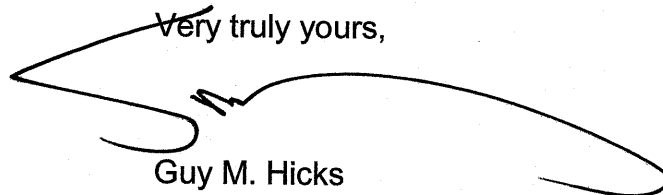
Hon. Sara Kyle, Chairman
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Tariff Filing to Modify Language Regarding Special Contracts*
Docket No. 03-00366

Dear Chairman Kyle:

Enclosed are the original and fourteen copies of BellSouth's Response to Petition to Intervene Filed by the Consumer Advocate. Copies of the enclosed are being provided to counsel of record.

Very truly yours,



Guy M. Hicks

GMH:ch

BEFORE THE TENNESSEE REGULATORY AUTHORITY
Nashville, Tennessee

In Re: *Tariff Filing to Modify Language Regarding Special Contracts*

Docket No. 03-00366

BELLSOUTH TELECOMMUNICATIONS, INC.'S
RESPONSE TO PETITION TO INTERVENE FILED
BY THE CONSUMER ADVOCATE

BellSouth Telecommunications, Inc. ("BellSouth") files this response to the Petition to Intervene of the Consumer Advocate Division of the Attorney General's Office (the "CAD") and respectfully shows the Tennessee Regulatory Authority ("Authority" or "TRA") as follows:

The CAD filed its Petition to Intervene with respect to BellSouth's tariff on the afternoon of Thursday, June 19, 2003. The tariff was filed by BellSouth on May 23, 2003, with an effective date of June 23. Pursuant to TRA Rule 1220-1-2-.02(4),¹ this Petition is untimely. Given that the Petition fails to cite any basis whatsoever for this late-filed Petition and makes no request to waive the Rule, the Petition should be denied.

TRA Rule 1220-1-2-.02(4) provides:

(4) A tariff filing does not constitute a contested case; however, any interested person may object to the tariff filing by filing a complaint. Any such complaint shall state the nature of the interest, the grounds for any such objection and the relief sought. A copy of the complaint shall be served on the company filing the tariff. The company filing the tariff shall have the right to respond to such

¹ Oddly, the CAD's Petition states that it is made "pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A) and Rule 1220-1-2-.02", yet as discussed below, the Petition was not filed in the timely manner required by the very rule the CAD cites.

complaint. It shall be within the discretion of the Authority to convene a contested case. ***A complaint opposing the tariff shall be filed no later than seven (7) days prior to the Authority Conference immediately preceding the proposed effective date of that tariff.*** (Emphasis added)

As BellSouth has noted in its earlier filings objecting to the Petition to Intervene filed by AT&T, BellSouth believes that the Rule required any intervention or complaint regarding the tariff to be filed on or before June 9, 2003. BellSouth has noted, in its Supplemental Response to AT&T's Petition, that the resetting of this matter to a Special Authority Conference scheduled for Monday June 23 did not render AT&T's filing timely. Moreover, ***even if*** this Special Authority Conference could be deemed the "conference immediately preceding the proposed effective date" for purposes of determining the due date for petitions by parties other than AT&T, which BellSouth disputes, the CAD's Petition was not filed until Thursday, June 19, 2003, which is only four calendar days (two business days) prior to the Special Conference. Consequently, the Petition does not comply with the TRA Rule cited above.

The CAD cites no cause for waiver of the TRA Rule requiring petitions or complaints regarding tariffs to be filed seven days prior to the Agenda Conference immediately preceding the effective date of the tariff. BellSouth is aware of no cause justifying the CAD's failure to make a timely filing. The CAD made statements at the June 16 Agenda Conference in which it acknowledged its awareness of both BellSouth's tariff and AT&T's Petition. Moreover, the CAD has closely followed and participated in CSA-related matters throughout the five-year history leading up to the recent legislative change. The CAD thus had ample time, awareness and notice to have prepared and filed its Petition in a timely manner. Its late filing is made even more

perplexing given that the Petition raises nothing new and merely parrots those allegations contained in AT&T's filing.

For the foregoing procedural reasons, BellSouth urges the TRA to deny the CAD's late-filed Petition. For the substantive reasons discussed in BellSouth's earlier filings in response to AT&T's nearly-identical petition, BellSouth respectfully submits that, for those same reasons, the CAD's Petition likewise lacks any merit and should, therefore, be denied.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2003, a copy of the foregoing document was served on the parties of record, via the method indicated:

☐ Hand
☐ Mail
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☐ Overnight

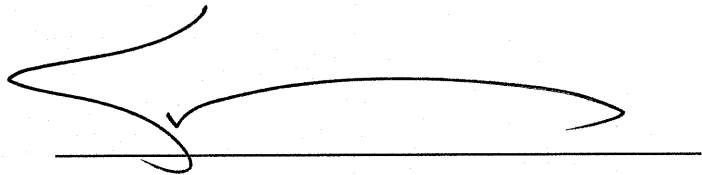
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☐ Hand
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Vance Broemel, Esquire
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P. O. Box 20207
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A handwritten signature in dark ink, appearing to read "Vance Broemel", is written over a horizontal line.